

Regular Session, 2012

HOUSE BILL NO. 481

BY REPRESENTATIVE PATRICK WILLIAMS

CHILDREN/SUPPORT: Clarifies state law regarding unemployment insurance collections relative to child support overpayments to align with federal law

1 AN ACT

2 To amend and reenact R.S. 46:236.15(D)(1)(a), relative to the Department of Children and
3 Family Services' limited administrative authority for certain paternity and child
4 support actions; to clarify state law regarding unemployment insurance collections
5 with respect to child support overpayments to comply with federal law; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:236.15(D)(1)(a) is hereby amended and reenacted to read as
9 follows:

10 §236.15. Limited administrative authority for certain paternity and child support
11 actions

12 * * *

13 D. Authority to seize and intercept.

14 (1) In cases in which there is a child support arrearage or child support
15 overpayment made to a custodial parent, and after notice of such arrearage or
16 overpayment has been made by certified or regular mail, personal service, or
17 domiciliary service, the agency shall have the administrative authority to:

18 (a) Intercept, encumber, freeze, or seize periodic or lump sum payments
19 from a state or local agency or any entity licensed or permitted by any state agency
20 or board under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of
21 1950, including but not limited to unemployment compensation benefits, workers'

1 compensation, and other benefits, judgments, settlements, lottery winnings,
2 progressive slot machine annuities beginning with the second annuity payment, cash
3 gaming winnings, assets held in financial institutions, and public and private
4 retirement funds. However, child support overpayments are excluded from recovery
5 from unemployment compensation benefits. The provisions of R.S. 13:3881
6 providing general exemptions from seizure are applicable to the provisions of this
7 Subparagraph. After the agency encumbers, intercepts, or freezes any assets set out
8 in this Subsection, it shall notify the payor that he has thirty days to advise the
9 agency that he wishes to appeal the seizing of said assets. Upon receipt of such
10 notice, the agency shall either release the property or schedule a hearing with the
11 appropriate court. If the payor fails to file an appeal within thirty days, the agency
12 may institute proceedings through administrative process to seize or sell the property
13 in accordance with state law.

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Patrick Williams

HB No. 481

Abstract: Clarifies state law relative to the recovery of child support overpayments from unemployment insurance to comport with federal law.

Present law in pertinent part, authorizes the Dept. of Children and Family Services to intercept, encumber, freeze, or seize unemployment compensation benefits in cases where there is a child support arrearage or child support overpayment made to a custodial parent.

Proposed law clarifies that child support overpayments are excluded from recovery from unemployment compensation benefits.

(Amends R.S. 46:236.15(D)(1)(a))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removed language which limited deductions from unemployment compensation benefits to child support arrearages only.
2. Added a provision which clarified that child support overpayments are excluded from recovery from unemployment compensation.